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JUN 23 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kim B. Roberts et al.

Serial No: 09/975,895⁹⁸⁵

Filed: 10/15/2001

For: Measurement of Polarization Dependent Loss in an Optical Transmission System

Attorney Docket No.

9-13528-152US

Group Art Unit: 2633

Examiner: Nathan M. CURS

Assistant Commissioner for Patents
Washington, D.C. 20231

BOX - NON-FEE AMENDMENT/RESPONSE

Sir:

AMENDMENT UNDER 37 C.F.R § 1.111

In response to the Office Action mailed December 20, 2004, the one month extended period for response being April 20, 2005, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Adjustment date: 08/09/2006 SDIRETA1
06/24/2005 CCHAU1 00000066 195113 09975895
01 FC:1251 120.00 CR

4/2005 CCHAU1 00000066 195113 09975895
C:1251 120.00 DA

08/09/2006 SDIRETA1 00000010 195113 09975985
01 FC:1251 120.00 DA

Copied from 09975895 on 06/30/2005

**OGILVY
RENAULT**

Facsimile

Our File: 9-13528-152US KD/hb

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JUN 23 2005

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Number of pages including cover letter: 19
Date: June 23, 2005
From: Kent Daniels
Telephone: (613) 780-86873
E-mail: kdaniels@ogilvyrenault.com

To:	Company:	City:	Fax:
ART UNIT 2633 Examiner: Nathan M. CURS	United States Patent Office Facsimile Centre	Alexandria, VA	1.703.872-9306

Re: Serial No. 09/975,895
Inventor(s): Kim B. ROBERTS et al.
Title: MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN AN OPTICAL TRANSMISSION SYSTEM

Further to my telephone conversation with Examiner Nathan CURS of today's date, please find attached a complete copy of our Response to the Office Action dated December 20, 2004.

This response was filed on April 18, 2005, as confirmed by the Auto-Reply Facsimile Transmission (copy enclosed).

We trust that the above is satisfactory and the response date remains April 18, 2005.

Heather Brown for Kent Daniels
Patent and Trademark Assistant
Ogilvy Renault
(613) 780-3769
hbrown@ogilvyrenault.com

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JUN 29 2005

*missing 14 pgs
P.C. out off*

Barristers and Solicitors
Patent and Trade-Mark Agents

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Suite 1700
Ottawa, Ontario
Canada K1P 1A4

Telephone (613) 230-6072
Fax (613) 230-6706
ogilvyrenault.com

Continuing the practices of
Melipien Donners
Ogilvy Renault
Swadby Ogilvy Renault

**OGILVY
RENAULT****Facsimile**

Our File: 9-13528-152US KD/hb

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Number of pages including cover letter: 13
Date: April 18, 2005
From: Kent Daniels
Telephone: (613) 780-86873
E-mail: kdaniels@ogilvyrenault.com

ART UNIT 2633 Examiner: Nathan M. CURS	United States Patent Office Facsimile Centre	Alexandria, VA	1.703.872-9306
---	---	----------------	----------------

Re: Serial No. 09/975,895
Inventor(s): Kim B. ROBERTS et al.
Title: MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN AN
OPTICAL TRANSMISSION SYSTEM

This is further to our earlier facsimile transmission of today's date forwarding our Response to the Office Action of December 20, 2004.

It has come to our attention that the Response was not signed, therefore please find attached a signed copy of the Response.

Heather Brown
Assistant to Kent Daniels, Patent Agent
Ogilvy Renault
(613) 780-3769
hbrown@ogilvyrenault.com

Barretters and Solicitors
Patent and Trade-Mark Agents

45 O'Connor Street
Suite 1700
Ottawa, Ontario
Canada K1P 1A4

Telephone (613) 230-6072
Fax (613) 230-6706
ogilvyrenault.com

Continuing the practices of
Melipon Demers
Ogilvy Renault
Swabey Ogilvy Renault

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0988
CONNECTION TEL 17038729306
SUBADDRESS
CONNECTION ID
ST. TIME 04/18 15:22
USAGE T 04:17
PGS. SENT 13
RESULT OK

**OGILVY
RENAULT**

Facsimile

Our File: 9-13528-152US KD/hb

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Number of pages including cover letter:

13

Date:

April 18, 2005

From:

Kent Daniels

Telephone:

(613) 780-86873

E-mail:

kdaniels@ogilvyrenault.com

ART UNIT 2633 Examiner: Nathan M. CURS	United States Patent Office Facsimile Centre	Alexandria, VA	1.703.872-9306
---	---	----------------	----------------

Re: Serial No. 09/975,895
Inventor(s): Kim B. ROBERTS et al.
Title: MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN AN
OPTICAL TRANSMISSION SYSTEM

This is further to our earlier facsimile transmission of today's date forwarding our Response to the Office Action of December 20, 2004.

It has come to our attention that the Response was not signed, therefore please find attached a signed copy of the Response.

PTO/SB/21 (03-04)

Approved for use through 07/31/2006, OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/975,985	
	Filing Date	10/16/2001	
	First Named Inventor	Kim B. Roberts	
	Art Unit	2833	
	Examiner Name	Nathan M. Curs	
Total Number of Pages in This Submission	15	Attorney Docket Number	9-1352B-152US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Name	OGILVY RENAULT
Signature	<i>K. Daniels</i>
Printed name	Kent Daniels
Date	April 18, 2005
Reg. No.	44,208

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	<i>K. Daniels</i>
Typed or printed name	Kent Daniels
Date	April 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

Deposit Account Statement

requestor
Statement
Month: Jun-05
Deposit
Account
Number: 195113
Name: OGILVY
RENAULT
Attention: DEBBIE SEARLE
1851 MCGILL
COLLEGE
Address: AVENUE
MONTREAL,
City: CANADA
State:
Zip: H3A 2Y3
Country: CANADA

DATE	AGENT	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	CAN
Jun-23	16603 KD	60692578	16310-80USPR	2005	\$100.00	\$134.00
Jun-23	19560 MF	6294004	9-13520-9US	2551	\$450.00	\$603.00
Jun-23	19560 MF	6294004	9-13520-9US	2554	\$65.00	\$87.10
Jun-23	16591 GH	10947153	10562-38US	2501	\$700.00	\$938.00
Jun-23	16591 GH	10947153	10562-38US	1504	\$300.00	\$402.00
Jun-24	17165 JC	11157975	16813-72US	1011	\$300.00	\$402.00
Jun-24	17165 JC	11157975	16813-72US	1111	\$500.00	\$670.00
Jun-24	17165 JC	11157975	16813-72US	1311	\$200.00	\$268.00
Jun-24	16591 GH	10622650	11016-27US	1504	\$300.00	\$402.00
Jun-24	16591 GH	10622650	11016-27US	2501	\$700.00	\$938.00
Jun-24	19560 MF	5730863	13508-1US	2552	\$1,150.00	\$1,541.00
Jun-24	16334 MG	10498001	14957-2US	1806	\$180.00	\$241.20
Jun-24 ?		9975895 ?		1251	\$120.00	\$160.60
Jun-24	16591 GH	11159188	10562-43US	2011	\$150.00	\$201.00
Jun-24	16591 GH	11159188	10562-43US	2111	\$250.00	\$335.00
Jun-24	16591 GH	11159188	10562-43US	2311	\$100.00	\$134.00
Jun-24	16591 GH	11159187	12130-20US	2011	\$150.00	\$201.00
Jun-24	16591 GH	11159187	12130-20US	2111	\$250.00	\$335.00
Jun-24	16591 GH	11159187	12130-20US	2311	\$100.00	\$134.00
Jun-24	16591 GH	11159187	12130-20US	2202	\$50.00	\$67.00
Jun-24	17383 NP	11159290	2993-460US-1	1011	\$300.00	\$402.00
Jun-24	17383 NP	11159290	2993-460US-1	1111	\$500.00	\$670.00
Jun-24	17383 NP	11159290	2993-460US-1	1311	\$200.00	\$268.00
Jun-24	17165 JC	11159205	16350-46US	2011	\$150.00	\$201.00
Jun-24	17165 JC	11159205	16350-46US	2111	\$250.00	\$335.00
Jun-24	17165 JC	11159205	16350-46US	2311	\$100.00	\$134.00
Jun-24	17165 JC	11159205	16350-46US	2201	\$100.00	\$134.00
Jun-24	16596 MW	11107743	16813-48US	8021	\$40.00	\$53.60

Deposit Account Statement

Requested
Statement
Month: Jun-05
Report
Account
Number: 188113
Name: OGILVY
RENAULT
DEBBIE
Attention: SEARLE
1881 MCGILL
COLLEGE
Address: AVENUE
MONTREAL,
City: CANADA
State:
Zip: H3A 2Y3
Country: CANADA

DATE	AGENT	POSTING REF TXT	ATTORNEY DOCKET	FEE CODE	AMT	CAN
Jun-29	16603 KD	9975895 A-7485		1251	\$120.00	\$160.80
Jun-29	16603 KD	9899265 9-13528-170US		1801	\$790.00	\$1,058.60
Jun-29	16598 MW	10946016 16319-241US-1		1814	\$130.00	\$174.20
Jun-29	16601 IC	11167305 12296-19US-1		1011	\$300.00	\$402.00
Jun-29	16601 IC	11167305 12296-19US-1		1111	\$500.00	\$670.00
Jun-29	16602 SC	10444952 2993-460US		1501	\$1,400.00	\$1,878.00
Jun-29	16601 IC	11167305 12296-19US-1		1311	\$200.00	\$268.00
Jun-29	16602 SC	10444952 2993-460US		1504	\$300.00	\$402.00
Jun-29	16602 SC	10444952 2993-460US		8001	\$24.00	\$32.16
Jun-29	17062 CMB	10323896 17273-4US		2501	\$700.00	\$938.00
Jun-29	17062 CMB	10323896 17273-4US		1504	\$300.00	\$402.00
Jun-29	17170 DOP	60683339 17443-1USPR		1462	\$400.00	\$536.00
Jun-29	16601 IC	10163623 12296-19US		1501	\$1,400.00	\$1,876.00
Jun-29	16601 IC	10163623 12296-19US		1504	\$300.00	\$402.00
Jun-29	17170 DOP	60694247 17623-1USPR		2005	\$100.00	\$134.00
Jun-29	16235 JVZ	60694237 14928-23USPR		1005	\$200.00	\$268.00
Jun-30	16419 TA	78657647 17608-1US		7001	-\$325.00	-\$436.60
Jun-30	16598 PTN	60694696 17697-1USPR		2005	\$100.00	\$134.00
Jun-30	16601 IC	60694695 15731-2USPR		2005	\$100.00	\$134.00
Jun-30	16603 KD	11107725 16813-52US		1051	\$130.00	\$174.20
Jun-30	16603 KD	11107726 16813-51US		1051	\$130.00	\$174.20
Jun-30	16607 JR	11095663 2993-651US		8021	\$40.00	\$53.60
Jun-30	19560 MF	6334591 11946-3US-1		1551	\$900.00	\$1,206.00
Jun-30	19560 MF	5732719 12507-1US		2562	\$1,150.00	\$1,541.00
Jun-30	16607 JR	11062737 16228-17US-1		8021	\$40.00	\$53.60
					\$9,429.00	\$12,634.88

**OGILVY
RENAULT**

LLP/SENCRL, s.r.l.

Facsimile

9-13528-152US

KD/sim

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Number of pages including cover letter: 5
Date: June 13, 2006
From: Kent Daniels
Telephone: (613) 780-8673
E-mail: kdaniels@ogilvyrenault.com

To:	Company:	City:	Phone:
Facsimile Centre	United States Patent Office	Alexandria, VA	571-273-6500

Re: Serial No. 09/975,985
Inventor(s): ROBERTS, Kim et al.
Title: MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN AN
OPTICAL TRANSMISSION SYSTEM

Request for refund attached.

Barristers and Solicitors
Patent and Trade-Mark Agents

43 O'Connor Street
Suite 1700
Ottawa, Ontario
Canada K1P 1A4

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Fax (613) 230-6706
ogilvyrenault.com

Continuing the practices of
McGowan Danvers
Ogilvy Renault
Swabey Ogilvy Renault

JUN 23 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
120

Complete If Known

Application Number	09/975,895
Filing Date	10/15/2001
First Named Inventor	Kim B. Roberts
Examiner Name	Nathan M. Curs
Art Unit	2633
Attorney Docket No.	9-13528-162US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 18-6113 Deposit Account Name: Ogilvy Renault

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.18 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2598.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
Extra Claims	Fee (\$)	Fees Paid (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Fee (\$)	Fees Paid (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

6/29/2005 SMINASS1 00000012 195113 09975895

1 FC:1251 120.00 DA

Adjustment date: 08/09/2006 SDIRETA1

06/29/2005 SMINASS1 00000012 195113 09975895

01 FC:1251 120.00 CR

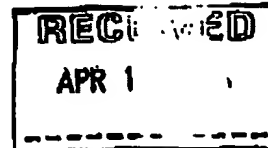
BEST AVAILABLE COPY

06/23/2005 15:31 FAX 613 230 6706 OGILVY RENAULT
 USPTO 4/18/2005 3:28 PM PAGE 1/001 Fax Server
 O:Auto-reply fax to 613 230 6706 COMPANY:

0002

100

Auto-Reply Facsimile Transmission



TO: Fax Sender at 613 230 6706
 Fax Information
 Date Received: 4/18/2005 3:21:05 PM [Eastern Daylight Time]
 Total Pages: 13 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPE) section 306 et seq.

Received
 Cover
 Page

OGILVY RENAULT		Facsimile	
Our File: 9-13528-1521US KD/hb			
<p><small>Confidentiality Markings</small> This communication may be classified as confidential, and it is intended for the confidential use of the addressee. Any other person is hereby notified that disclosure, distribution or copying of this communication is prohibited. If you are not the intended recipient, please do not disseminate this information. If you have received this communication in error, please notify the sender immediately by telephone (613) 230-6706 and delete this message from all copies. Thank you.</p>			
Number of pages including cover letter:	13	Date:	April 18, 2005
From:	Ken Daniels	Telephone:	(613) 760-86673
E-mail:	kdaniels@ogilvyrenault.com		
ART UNIT 2633 Examiner: Nathan M. CUL3		United States Patent Office Facsimile Center Alexandria, VA 1703.672-9106	
Re: Serial No.	09/973,893		
Inventor(s):	Kim B. ROBERTS et al.		
Title:	MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN AN OPTICAL TRANSMISSION SYSTEM		
This is further to our earlier facsimile transmission of today's date forwarding our Response to the Office Action of December 20, 2004. It has come to our attention that the Response was not signed, therefore please find attached a signed copy of the Response. Heather Brown Assistant to Ken Daniels, Patent Agent Ogilvy Renault (613) 760-8769 hbrown@ogilvyrenault.com			
<p><small>System of Origin</small> Fax to: 613 230 6706 Fax from: 613 230 6706 Date: 4/18/2005</p>			

**OGILVY
RENAULT**

LP/SEN.CRI, srl

August 11, 2005

Via facsimile to (571) 273-6500

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

**RE: Deposit Account No. 19-5113 and
United States Patent Application 09/975,985
Title: MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN AN
OPTICAL TRANSMISSION SYSTEM
Inventors: ROBERTS, Kim et al.
Our File: 9-13528-152US KD**

A Response to the Office Action dated December 20, 2004 for the above-identified application was submitted to the USPTO on April 18, 2004. Unfortunately, there was a clerical error in the serial number in the documents submitted, including the fee transmittal form. The serial number on the documents, which read 09/975,895, should have read: 09/975,985.


As requested by Examiner Nathan Curs by telephone on June 23, 2005, a copy of the Response to the Office Action was re-submitted by facsimile to his attention.

It appears that, as a result of resubmitting the Response, the government fee of \$120.00 under code 1251 (one month extension for response) was charged to our deposit account (No. 19-5113) twice. We enclose a copy of our Deposit Account statements showing the withdrawals on June 24, 2005 and again on June 29, 2005. (Please note the correct serial number should read as above, i.e. 09/975,985).

We therefore request a refund of \$120.00, the amount of overpayment. This amount can be credited to Deposit Account No. 19-5113.

We look forward to receipt of the refund.

Yours very truly,


Kent Daniels - Reg. No. 44,206
Agent of Record
Encls.

Barristers & Solicitors,
Patent Agents & Trade-mark Agents

Suite 1600
1981 McGill College Avenue
Montréal, Québec H3A 2Y3
Canada

Telephone (514) 847-4747
Fax (514) 288-8389

ogilvyrenault.com

**OGILVY
RENAULT**

LLP / SENCRL, s.r.l.

June 13, 2006

Via facsimile to (571) 273-6500

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:


**RE: Deposit Account No. 19-5113 and
United States Patent Application 09/975,985
Title: MEASUREMENT OF POLARIZATION DEPENDENT LOSS IN AN
OPTICAL TRANSMISSION SYSTEM
Inventors: ROBERTS, Klm et al..
Our File: 9-13528-152US KD**

Further to our submission dated August 11, 2005 (copy attached), we have not yet received the requested refund of \$120.00, the amount of overpayment with respect to the government fee of \$120.00 under code 1251 (one month extension for response) which was charged to our deposit account (No. 19-5113) twice.

The refund of \$120.00 can be credited to Deposit Account No. 19-5113.

We look forward to receipt of the refund.

Yours very truly,


Kent Daniels -Reg. No. 44,206
Agent of Record
Encls.

Barristers & Solicitors,
Patent Agents & Trade-mark Agents

Suite 1500
45 O'Connor Street
Ottawa, Ontario K1P 1A4
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Telephone (613) 780-8661
Fax (613) 230-5459

ogilvyrenault.com